

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Lewiston, Maine
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may impose the sanction of total recoupment only when the provider has failed to demonstrate by a preponderance of the evidence that the disputed goods or services were actually provided to eligible MaineCare members.

The department shall provide funding for contractual services under this subsection from within existing resources.

Sec. 3. 22 MRSA §48 is enacted to read:

§48. Provider relations

Department personnel assigned to MaineCare provider relations shall assist MaineCare providers in addressing and resolving in a cost-effective and expeditious manner any disagreements between the department and providers or groups of providers. Provider relations personnel shall receive and investigate complaints and concerns from providers regarding the MaineCare program and the MaineCare reimbursement prior to informal review or administrative hearing. In performing their duties under this subsection, the provider relations personnel must have access to the Director of the Bureau of Medical Services. The department shall implement the provisions of this section within existing resources.

Sec. 4. 22 MRSA §1714-A, sub-§2, as amended by PL 2001, c. 596, Pt. B, §4 and affected by §25, is further amended to read:

2. Establishment of debt. A debt is established by the department when it notifies a provider of debt that the provider owes the department pursuant to a final reconciliation decision and order that constitutes final agency action. A debt is collectible by the department 31 days after exhaustion of all administrative appeals and any judicial review available under Title 5, chapter 375.

Sec. 5. 22 MRSA §1714-A, sub-§5, as enacted by PL 1991, c. 568, §4, is amended to read:

5. Department may offset. The department may offset against current reimbursement owed to a provider or any entity related by ownership or control to that provider any debt it is owed by that provider after the debt becomes collectible. The department shall adopt rules that implement this subsection and define the ownership or control relationships that are subject to an offset under this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 6. Complaint resolution and informal hearing process recommendations. By January 5, 2004, the Department of Human Services and the Department of Behavioral and Developmental

Services, in conjunction with their duties with regard to merger of the 2 departments under Public Law 2003, chapter 20, Part K, section 18, shall report to the Joint Standing Committee on Health and Human Services recommendations to improve the MaineCare complaint resolution and informal hearing process that ensure that MaineCare providers receive fair and impartial complaint resolution procedures and informal hearings.

See title page for effective date.

CHAPTER 420

S.P. 49 - L.D. 126

An Act to Amend the Membership of the Propane and Natural Gas Board

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA §14803, sub-§1, as enacted by PL 1995, c. 389, §4, is amended to read:

1. Membership; appointment. The board consists of ~~8~~ 9 members who serve for 3-year terms, except that of the initial appointees 3 of the members serve a 3-year term, 2 of the members serve a 2-year term and 2 of the members serve a one-year term. With the exception of the member representing fire chiefs, the member representing a labor organization and the public member, all members must have at least 10 consecutive years of active experience in the propane or the natural gas industry immediately preceding appointment. Industry members must hold a valid license at the time of appointment, except that the initial industry member appointees must be licensed on or before July 1, 1997. The Governor shall appoint all industry and public members. The propane and natural gas industries in this State may make recommendations to the Governor concerning these appointments. Membership is as follows:

A. Five members representing industry, 3 of whom represent the propane industry, one of whom is a mechanical contractor and one of whom represents the natural gas industry;

B. One member representing Maine fire chiefs, who may be recommended to the Governor by the Maine Fire Chiefs Association;

C. One member representing the general public who is ~~unrelated~~ not related, either directly or indirectly, to either the natural gas industry or the propane industry; ~~and~~

C-1. One member representing a labor organization in the building and construction industry; and

D. One nonvoting member appointed by the Commissioner of Public Safety.

Appointments of members must comply with ~~Title 32~~, section 60. Members may be removed from office by the Governor for cause.

Sec. 2. Appropriations and allocations.

The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Licensing and Enforcement 0352

Initiative: Allocates funds for the per diem, travel and meeting costs associated with one additional board member.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	\$245	\$245
All Other	350	350
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Other Special Revenue Funds Total	\$595	\$595

See title page for effective date.

CHAPTER 421

H.P. 1175 - L.D. 1602

An Act To Revise and Amend Certain Public Health Laws

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 13 MRSA §1101-A, as enacted by PL 1999, c. 700, §2, is amended to read:

§1101-A. Definitions

As used in this article, unless the context otherwise indicates, the following ~~term has~~ terms have the following ~~meaning~~ meanings.

1. Ancient burying ground. "Ancient burying ground" means a private cemetery established before 1880.

2. Columbarium. "Columbarium" means a structure or room or space in a mausoleum or other building containing niches or recesses for disposition of cremated human remains.

3. Community mausoleum. "Community mausoleum" means an aboveground structure designed for entombment of human remains of the general public,

as opposed to the entombment of the remains of family members in a privately owned, family mausoleum of no more than 6 crypts.

Sec. 2. 13 MRSA §1341, sub-§1, as enacted by PL 1999, c. 620, §1, is amended to read:

1. Mausoleum, crematory or other structure.

A community mausoleum, community crematory or other community structure that holds or contains dead human bodies may only be erected in a cemetery that is at least 20 acres in size and has been in existence and used for burial for at least 2 years preceding the erection of the structure.

Sec. 3. 22 MRSA §1319-C, sub-§1, as enacted by PL 1999, c. 276, §10, is amended to read:

1. Annual screening required.

The department shall require a ~~day child care center facility and the premises of a home day care provider~~ as defined in chapter 1673 and a nursery school as defined in chapter 1675 to have an annual screening for potential lead hazards. If potential lead hazards are identified, a full lead inspection must be conducted.

Sec. 4. 22 MRSA §1319-C, sub-§1-A is enacted to read:

1-A. Lead-safe status. A facility found to have lead hazards shall abate or remediate the hazards to at least a lead-safe status.

Sec. 5. 22 MRSA §1319-C, sub-§2, as enacted by PL 1999, c. 276, §10, is amended to read:

2. Exemptions. A facility may be exempt from subsection 1 if:

- A. The facility was constructed in 1978 or later;
- B. The facility has been certified as lead-safe within the previous 12 months;
- C. The facility has been certified as lead-free; or
- D. The facility does not serve any children under 6 years of age.

Sec. 6. 22 MRSA §1321, first ¶, as amended by PL 1995, c. 453, §10, is further amended to read:

If the department determines that an environmental lead hazard exists in or on any dwelling, premises, residential ~~child-care~~ child-occupied facility, child care facility, premises of a home day care provider or preschool facility nursery school:

Sec. 7. 22 MRSA §1321, sub-§1, as amended by PL 1999, c. 276, §13, is further amended to read: